

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

WALTER A. TORMASI,

Petitioner,

Civ. No. 18-16340 (GC)

V.

## MEMORANDUM & ORDER

ATTORNEY GENERAL OF THE STATE :  
OF NEW JERSEY, et al., :

### Respondents.

**CASTNER, U.S.D.J.**

Petitioner, Walter A. Tormasi (“Petitioner”), is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. A jury convicted Petitioner of murdering his mother. Petitioner paid the \$5.00 filing fee to proceed with this federal habeas petition. Petitioner raises one claim in his habeas petition, namely that his trial counsel was ineffective due to a conflict of interest. More specifically, Petitioner alleges that counsel was ineffective because of a third-party fee transaction between his now deceased father and trial counsel which caused trial counsel to not fully pursue his father’s possible culpability in his mother’s murder at trial.

It may be necessary to order supplemental briefing and/or conduct oral argument based on the arguments of the parties and the record in this case. However, prior to issuing any additional orders, this Court will send Petitioner an application to proceed *in forma pauperis*. Such an application (should Petitioner submit) will assist this Court in determining whether Petitioner is financially eligible for the appointment of counsel in the event this Court deems further

proceedings necessary before reaching the merits of his habeas claim. *See* 18 U.S.C. § 3006A(a)(2)(B).

Accordingly, IT IS on this 22<sup>nd</sup> day of September, 2022,

ORDERED that the Clerk shall send to Petitioner via regular U.S. mail: (1) a copy of this memorandum and order; and (2) a blank copy of an application to proceed *in forma pauperis* in a habeas proceeding (DNJ-ProSe-007-B-(Rev. 09/09); and it is further

ORDERED that Petitioner shall have thirty (30) days in which to apply to proceed *in forma pauperis*; and it is further

ORDERED that if Petitioner does not apply to proceed *in forma pauperis* within thirty (30) days, this Court shall presume that Petitioner wishes to proceed *pro se* for the remainder of this case.

  
GEORGETTE CASTNER  
United States District Judge